

S.C.

Notice of Allowability	Application No.	Applicant(s)	
	10/043,252	BAE ET AL.	
	Examiner	Art Unit	
	Judy M. Reddick	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to App'l's Amnd't(06/07/04) + Telephonic Interview(08/26/04).
2. ☒ The allowed claim(s) is/are 1,3-10 and 13-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul Grandinetti on 08/26/04.

The application has been amended as follows:

IN THE CLAIMS

In claim 1 @ lines 4 & 5, "ethylene copolymer with" has been deleted and "copolymer of ethylene and" has been inserted in its stead.

In claim 6 @ lines 3 & 4, "ethylene copolymer with" has been deleted and "copolymer of ethylene and" has been inserted in its stead.

In claim 6 @ line 11, "2) substituted phenols having a molecular weight of at least 200 daltons;" has been deleted.

In claim 6 @ line 12, "3)" has been deleted and "2)" has been inserted in its stead.

In claim 6 @ line 14, "4)" has been deleted and "3)" has been inserted in its stead.

In claim 14 @ line 2, "a barium, calcium, magnesium, strontium, or zinc salt" has been deleted and "selected from the group consisting of barium, calcium, magnesium, strontium and zinc salts" has been inserted in its stead.

In claim 16, @ line 12, "2) substituted phenols having a molecular weight of at least 200 daltons;" has been deleted.

In claim 16 @ line 13, "3)" has been deleted and "2)" has been inserted in its stead.

In claim 16 @ line 15, "4)" has been deleted and "3)" has been inserted in its stead.

In claim 20 @ line 10, "2) substituted phenols having a molecular weight of at least 200 daltons;" has been deleted.

Art Unit: 1713

In claim 20 @ line 11, "3)" has been deleted and "2)" has been inserted in its stead.

In claim 20 @ line 13, "4)" has been deleted and "3)" has been inserted in its stead.

In claim 20 @ line 19, "comprising the" has been deleted and "comprising" has been inserted in its stead.

Claim 21, in its entirety, has been canceled.

2. The following is an examiner's statement of reasons for allowance: After further consideration coupled with the amendments to the claims (composition consisting of) + Counsel's persuasive arguments, the instantly claimed invention is deemed allowable over the prior art of record, Zinke et al (U.S. 5,969,015), meritorious of the closest prior art. One having ordinary skill in the art would not have been endowed with any motivation to omit ingredient(s) from Zinke et al in excess of the compositional components per the invention, as claimed, with any reasonable expectation of success.

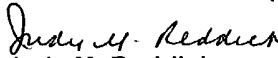
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (571)272-1110. The examiner can normally be reached on Monday-Friday, 6:30 a.m.-3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Judy M. Reddick
Primary Examiner
Art Unit 1713

JMR 
08/26/04